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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

27 Luis Gonzalas,  
28 Petitioner,  
29 v.  
30 Brian Williams, et. al.,  
31 Respondents.

32 Case No. 2:17-cv-01653-RFB-GWF  
33  
34 **Unopposed Motion for Extension**  
35 **of Time to File Amended Petition**  
36  
37 (Third Request)

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39 Petitioner Luis Gonzalas, by and through counsel, C.B. Kirschner, Assistant  
40 Federal Public Defender, moves this Court for an extension of time of sixty (60) days  
41 from November 16, 2018, to and including January 15, 2019, to file the First  
42 Amended Petition.

## POINTS AND AUTHORITIES

1. On or about February 11, 2008, Luis Gonzalas, was sentenced to life with the possibility of parole, following his conviction for murder with use of a deadly weapon. On May 25, 2017, he filed a Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 by a Person in State Custody (Not Sentenced to Death). ECF No. 1-1. Mr. Gonzalas remains incarcerated with the Nevada Department of Corrections.

2. This Court appointed the Office of the Federal Public Defender as counsel for Mr. Gonzalas and granted leave for counsel to file an Amended Petition for Writ of Habeas Corpus. ECF Nos. 7 & 11. Counsel entered her appearance on March 8, 2018. ECF No. 10.

3. The Amended Petition is currently due November 16, 2018. Mr. Gonzalas now requests an additional sixty (60) days, up to and including January 15, 2019, to file the Amended Petition. This is the third request for an extension of time.

4. The additional period of time is necessary in order to effectively represent Mr. Gonzalas. This motion is filed in the interests of justice and not for the purposes of unnecessary delay.

5. Mr. Gonzalas is being housed at a prison in Eloy, Arizona. Counsel has met with him twice to discuss his case, requiring two full days of travel. The most recent visit was just two weeks ago, on November 2, 2018.

6. Unfortunately, counsel's schedule necessitates additional time to prepare the Amended Petition. Counsel will be arguing a case before the Ninth Circuit Court of Appeals on November 16, 2018 (*Noguera v. Smith*, case no. 17-16185). This is obviously an immovable date and requires extensive preparation time. Counsel is also scheduled to argue another case before the Ninth Circuit on

December 21, 2018 (*Rodney v. Filson*, case no. 17-15438), and will need time to prepare for that as well. Counsel is also working on numerous other habeas cases with upcoming filing deadlines.

7. Additionally, Counsel will be out of the office from November 21 to November 27, visiting family for the Thanksgiving holiday.

8. On November 13, 2018, Deputy Attorney General Jessica Perlick was contacted via email and stated that she did not object to the extension, but the lack of objection should not be construed as a waiver of any procedural defenses, nor as a concession that any amended petition will be considered timely filed, nor as a basis for equitable tolling.

9. For the above stated reasons, Petitioner respectfully requests this Court grant the request for an extension of time of sixty (60) days and order the Amended Petition to be filed on or before January 15, 2019.

Dated this 14<sup>th</sup> day of November, 2018.

Respectfully submitted,

Rene L. Valladares  
Federal Public Defender

/s/ CB Kirschner  
C.B. Kirschner  
Assistant Federal Public Defender

IT IS SO ORDERED:

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RICHARD F. BOULWARE

United States District Judge  
November 12, 2010

## CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2018, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, District of Nevada by using the CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Jessica Perlick.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage pre-paid, or have dispatched it to a third party commercial carrier for delivery within three calendar days, to the following non-CM/ECF participants:

Luis Gonzalas  
#1016275  
1250 E. Arica Rd  
Eloy, AZ 85131

/s/ Adam Dunn  
An Employee of the  
Federal Public Defender